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PROCEEDINGS

IN

MASSACHUSETTS AND NEW HAMPSHIRE

ON

THE DEATH OF

THE HON. JEREMIAH MASON.

BOSTON:

PRINTED BY JOHN WILSON, 21, SCHOOL STREET.

1849.



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MR. MASON'S DEATH.

AT a meeting of the Bar of the county of Suffolk, held Oct. 17, 1848, in the Law Library, the Hon. RICHARD FLETCHER was appointed Chairman, and Mr. GEORGE T. CURTIS Secretary.

The Chairman having stated that the meeting had been called to take some notice of the decease of the Hon. JEREMIAH MASON, — Mr. CHOATE rose, and spoke nearly as follows :

I have supposed, sir, as you have done, that it would be the desire of the Bar of Suffolk to mark the event which has led to the call of this meeting, by something more than the accustomed and formal expression of sensibility and regret for the loss of one of its number.

Mr. Mason was so extraordinary a person ; his powers of mind were not only so vast, but so peculiar ;

his character and influences were so weighty, as well as good; he filled for so many years so conspicuous a place in the profession of the law, in public life, and in intercourse with those who gave immediate direction to public affairs, — that it appears most fit, if it were practicable, that we should attempt to record, somewhat permanently and completely, our appreciation of him, and to convey it to others, who knew him less perfectly and less recently than ourselves. It seems to me, that one of the very few greatest men whom this country has produced; a statesman among the foremost in a Senate, of which King and Giles and Gore, in the fulness of their strength and fame, were members; a jurist who would have filled the seat of Marshall as Marshall filled it; of whom it may be said, that, without ever holding judicial station, he was the author and finisher of the jurisprudence of a State; one whose intellect, wisdom, and uprightness gave him a control over the opinions of all the circles in which he lived and acted, of which we shall scarcely see another example, and for which this generation and the country are the better to-day: — such seems to me to have been the man who has just gone down to a timely grave. I rejoice to know, that the eighty-first year of his life found his marvellous faculties wholly unimpaired.

“No pale gradations quenched that ray.”

Down to the hour when the apoplectic shock, his first sickness, struck him, as it might seem, in a moment, from among the living, he was ever his great and former self.

He is dead ; and although, here and there, a kindred mind — here and there, rarer still, a co-eval mind — survives, he has left no one, beyond his immediate blood and race, who in the least degree resembles him.

Under the influence of these opinions and wishes, the resolutions which I hold in my hand have been prepared, chiefly by others ; and I have been requested to offer them to the acceptance of the Bar.

Mr. CHOATE then moved the following resolutions, which were unanimously adopted : —

Resolved, That the members of this Bar have heard with profound emotion of the decease of the Honorable Jeremiah Mason, one of the most eminent and distinguished of the great men who have ever adorned this profession ; and, as well in discharge of a public duty, as in obedience to the dictates of our private feelings, we think it proper to mark this occasion by some attempt to record our estimate of his pre-eminent abilities and high character.

Resolved, That the public character and services of Mr. Mason demand prominent commemoration ; that, throughout his long life, whether as a private person or in public place, he maintained a wide and various intercourse with public men, and cherished a constant and deep interest in public affairs, and by his vast practical wisdom and

sagacity, the fruit of extraordinary intellectual endowments, matured thought, and profound observation, and by the soundness of his opinions and the comprehensiveness and elevated tone of his politics, he exerted at all times a great and most salutary influence upon the sentiments and policy of the community and the country; and that, as a Senator in the Congress of the United States during a period of many years, and in a crisis of affairs which demanded the wisdom of the wisest and the civil virtues of the best, he was distinguished among the most eminent men of his country for ability in debate, for attention to all the duties of his great trust, for moderation, for prudence, for fidelity to the obligations of that party connection to which he was attached, for fidelity still more conspicuous and still more admirable to the higher obligations of a thoughtful and enlarged patriotism.

Resolved, That it was the privilege of Mr. Mason to come to the Bar, when the jurisprudence of New England was yet in its infancy; that he brought to its cultivation great general ability, and a practical sagacity, logical power, and patient research, — constituting altogether a legal genius, rarely if ever surpassed; that it was greatly through his influence that the growing wants of a prosperous State were met and satisfied by a system of Common Law at once flexible and certain, deduced by the highest human wisdom from the actual wants of the community, logically correct, and practically useful; that in the fact that the State of New Hampshire now possesses such a system of law, whose glad-some light has shone on other States, is seen both the product and the monument of his labors, less conspicuous, but not less real, than if embodied in codes and institutes bearing his name; — yet that, bred as he was to the Com-

mon Law, his great powers, opened and liberalized by its study and practice, enabled him to grasp readily, and wield with entire ease, those systems of Equity, applicable to the transactions of the land or the sea, which, in recent times, have so much meliorated and improved the administration of justice in our country.

Resolved, That, as respects his practice as a Counsellor and Advocate at this Bar, we would record our sense of his integrity, prudence, fidelity, depth of learning, knowledge of men and affairs, and great powers of persuading kindred minds; and we know well, that, when *he* died, there was extinguished one of the few great lights of the old Common Law.

Resolved, That Mr. Webster be requested to present these resolutions to the Supreme Judicial Court, at its next term in Boston; and the District Attorney of the United States be requested to present them to the Circuit Court of the United States now in session.

Resolved, That the Secretary communicate to the family of Mr. Mason a copy of these resolutions, together with the respectful sympathy of the Bar.

In the Supreme Judicial Court of Massachusetts, on Tuesday, Nov. 14, 1848, the Court having been opened in form at nine o'clock, A.M. and prayer having been offered, Mr. WEBSTER rose and said: —

May it please your Honors; JEREMIAH MASON, one of the Counsellors of this Court, departed this life on the 14th of October, at his residence in this city.

The death of one of its members, so highly respected, so much admired and venerated, could not fail to produce a striking impression upon the members of this Bar; and a meeting was immediately called, at which a member of this Court, just on the eve of leaving the practice of his profession for a seat on the Bench, presided; and resolutions expressive of the sense entertained by the Bar of the high character of the deceased, and of sincere condolence with those whom his loss touched more nearly, were moved by one of his distinguished brethren, and adopted with entire unanimity. My brethren have appointed me to the honorable duty of presenting these resolutions to this Court; and it is in discharge of that duty that I rise to address you, and pray that the resolutions which I hold in my hand may be read by the Clerk.

The Clerk of the Court then read the resolutions, when Mr. WEBSTER rose, and continued: —

The proprieties of this occasion compel me, with whatever reluctance, to refrain from the indulgence of the personal feelings which arise in my heart, upon the death of one, with whom I have cultivated a sincere, affectionate, and unbroken friendship, from the day when I commenced my own professional career, to the closing hour of his life. I will not say, of the advantages which I have derived from his

intercourse and conversation, all that Mr. Fox said of Edmund Burke; but I am bound to say, that of my own professional discipline and attainments, whatever they may be, I owe much to that close attention to the discharge of my duties which I was compelled to pay, for nine successive years, from day to day, by Mr. Mason's efforts and arguments at the same Bar. *Fas est ab hoste doceri*; and I must have been unintelligent, indeed, not to have learned something, from the constant displays of that power which I had so much occasion to see and to feel.

It is the more appropriate duty of the present moment to give some short notice of the life, character, and qualities of his mind and heart, so that he may be presented as an example to those who are entering upon or pursuing the same career. Four or five years ago, Mr. Mason drew up a biography of himself, from the earliest period of his recollection to the time of his removal to Portsmouth, in 1797; which is interesting, not only for the information it gives of the mode in which the habits of his life were formed, but also for the manner of its composition.

He was born on the 27th day of April, 1768, at Lebanon in Connecticut. His remotest ancestor in this country was Capt. John Mason (an officer who had served with distinction in the Netherlands, under Sir Thomas Fairfax), who came from England in

1630, and settled at Dorchester in the colony of Massachusetts. His great grandfather lived at Haddam. His grandfather, born in 1705, lived at Norwich, and died in the year 1779. Mr. Mason remembered him, and recollected his character, as that of a respectable and deeply religious man. His ancestor on the maternal side was James Fitch, a learned divine, who came from England and settled in Saybrook, but removed to Lebanon, where he died. A Latin epitaph, in the ancient burying-ground of that town, records his merits. One of his descendants held a large tract of land in the parish of Goshen, in the town of Lebanon, by grant from the Indians; one half of which, near a century afterwards, was bequeathed to his daughter, Elizabeth Fitch, the mother of Mr. Mason. To this property Mr. Mason's father removed soon after his marriage, and there he died in 1813. The title of this land was obtained from Uncas, an Indian sachem in that neighborhood, by the great grandfather of Mr. Mason's mother, and has never been alienated out of the family. It is now owned by Mr. Mason's nephew, Jeremiah Mason, the son of his eldest brother James. The family has been distinguished for longevity; the average ages of Mr. Mason's six immediate ancestors having exceeded eighty-three years each. Mr. Mason was the sixth of nine children, all of whom are now dead.

Mr. Mason's father was a man of intelligence and activity, of considerable opulence, and highly esteemed by the community. At the commencement of the Revolutionary war, being a zealous Whig, he raised and commanded a company of minute men, as they were called, and marched to the siege of Boston. Here he rendered important service, being stationed at Dorchester Heights, and engaged in fortifying that position. In the autumn of that year, he was promoted to a colonelcy, and joined the army with his regiment, in the neighborhood of New York. At the end of the campaign, he returned home sick, but retained the command of his regiment, which he rallied and brought out with celerity and spirit when Gen. Arnold assaulted and burned New London. He became attached to military life, and regretted that he had not at an early day entered the Continental service. Col. Mason was a good man, affectionate to his family, kind and obliging to his neighbors, and faithful in the observance of all moral and religious duties.

Mr. Mason's mother was distinguished for a good understanding, much discretion, the purity of her heart and affections, and the exemplary kindness and benevolence of her life. It was her great anxiety to give all her children the best education, within the means of the family, which the state of the country

would allow; and she was particularly desirous that Jeremiah should be sent to College. "In my recollection of my mother," says Mr. Mason, "she was the personification of love, kindness, and benevolence."

Destined for an education and for professional life, Mr. Mason was sent to Yale College, at sixteen years of age; his preparatory studies having been pursued under "Master Tisdale," who had then been forty years at the head of a school in Lebanon, which had become distinguished, and among the scholars of which were the Wheelocks, afterwards presidents of Dartmouth College. He was graduated in 1784, and performed a part in the Commencement exercises, which greatly raised the expectation of his friends, and gratified and animated his love for distinction. "In the course of a long and active life," says he, "I recollect no occasion when I have experienced such elevation of feeling." This was the effect of that spirit of emulation which incited the whole course of his life of usefulness. There is now prevalent among us a morbid and sickly notion, that emulation, even as honorable rivalry, is a debasing passion, and not to be encouraged. It supposes that the mind should be left without such excitement, in a dreamy and undisturbed state, flowing or not flowing, according to its own impulse, without such aids as are furnished by the rivalry of one with another. For one, I do not

believe in this. I hold to the doctrine of the old school, as to this part of education. Quintilian says: — “Sunt quidam, nisi institeris remissi: quidam imperio indignantur; quosdam continet metus, quosdam debilitat: alios continuatio extundit, in aliis plus impetus facit. Mihi ille detur puer, quem laus excitet, quem gloria juvet, qui victus fleat; hic erit alendus ambitu, hunc mordebit objurgatio, hunc honor excitabit; in hoc desidiam nunquam verebor.” — I think this is sound sense and just feeling.

Mr. Mason was destined for the law, and commenced the study of that profession with Mr. Baldwin, — a gentleman who has lived to perform important public and private duties; has served his country in Congress, and on the bench of the Supreme Court of Connecticut; and still lives to hear the account of the peaceful death of his distinguished pupil. After a year, he went to Vermont, in whose recently established tribunals he expected to find a new sphere for the gratification of ambition, and the employment of talents. He studied in the office of Stephen Rowe Bradley, afterwards a Senator in Congress; and was admitted to the Bar, in Vermont and New Hampshire, in the year 1791.

He began his career in Westmoreland, a few miles below Walpole, at the age of twenty-three; but in 1794, three years afterwards, removed to Walpole, as

being a larger village, where there was more society and more business. There was at that time on the Connecticut river a rather unusual number of gentlemen, distinguished for polite accomplishments and correct tastes in literature, and among them some well known to the public as respectable writers and authors. Among these were Mr. Benjamin West, Mr. Dennie, Mr. Royal Tyler, Mr. Jacobs, Mr. Samuel Hunt, Mr. J. W. Blake, Mr. Colman (who established, and for a long time edited, the "New York Evening Post"), and Mr. Olcott. In the association with these gentlemen and those like them, Mr. Mason found an agreeable position, and cultivated tastes and habits of the highest character.

About this period, he made a journey to Virginia, on some business connected with land titles, where he had much intercourse with Major Gen. Henry Lee; and, on his return, he saw President Washington, at Philadelphia, and was greatly struck by the urbanity and dignity of his manner. He heard Fisher Ames make his celebrated speech upon the British treaty. All that the world has said with regard to the extraordinary effect produced by that speech, and its wonderful excellence, is fully confirmed by the opinion of Mr. Mason. He speaks of it as one of the highest exhibitions of popular oratory that he had ever witnessed; popular, not in any low sense, but popular

as being addressed to a popular body, and high in all the qualities of sound reasoning and enlightened eloquence.

Being inclined to exercise his abilities in a larger sphere, he removed from Walpole to Portsmouth in 1797. He had at this time made the acquaintance of Aaron Burr and Alexander Hamilton. The former advised Mr. Mason to remove himself to New York. His own preference was for Boston; but he thought, that, filled as it then was by distinguished professional ability, it was too crowded to allow him a place. That was a mistake. On the contrary, the Bar of this city, with the utmost liberality and generosity of feeling and sentiment, have always been ready to receive, with open arms, every honorable acquisition to the dignity and usefulness of the profession which it follows. Mr. Mason, however, removed to Portsmouth in the autumn of 1797; and, as was to be expected, his practice soon became extensive. He was appointed Attorney-General in 1802. About that time, the late learned and lamented Chief Justice Smith retired from his professional duties, to take his place as a Judge; and Mr. Mason became the acknowledged head of his profession. He resigned the office of Attorney-General, three or four years afterwards, to the great regret of the Court, the Bar, and the country. As a prosecuting officer, he was cour-

teous, inflexible, and just; careful that the guilty should not escape, and that the honest should be protected. He was impartial, almost judicial, in the administration of his great office. He had no morbid eagerness for conviction; and never permitted, as sometimes occurs, an unworthy wrangling between the official power prosecuting, and the zeal of the other party defending. His official course produced exactly the ends it was designed to do. The honest felt safe; but there was a trembling and fear in the evil disposed, that the transgressed law would be vindicated.

Very much confined to his profession, he never sought office or political elevation. Yet he held decided opinions upon all political questions, and cultivated acquaintance with all the leading subjects of the day; and no man was more keenly alive than he to whatever transpired at home or abroad, involving the great interests of the civilized world.

His political principles, opinions, judgments, were framed upon those of the men of the times of Washington. From these, to the last, he never swerved. The copy was well executed. His conversation on subjects of state was as instructive and interesting, as upon professional topics. He had the same reach of thought, and exhibited the same comprehensive mind, and sagacity quick and far seeing, with regard to

political things and men, as he did in professional affairs. His influence was, therefore, hardly the less from the fact, that he was not actively engaged in political life. There was an additional weight given to his judgment, arising from his being a disinterested beholder only. The looker-on upon a contest can sometimes form a more independent and impartial opinion of its course and its results, than those who are actually engaged in it.

But at length in June, 1813, he was persuaded to accept the post of a Senator of the United States, and took his seat that month. He was in Congress during the sessions of 1813 and 1814. Those were very exciting times, party spirit ran very high, and each party put forward its most prominent and gifted men; and both houses were filled by the greatest intellects of the country. Mr. Mason found himself by the side of Rufus King, Giles, Goldsborough, Gore, Barbour, Daggett, Hunter, and other distinguished public men. And among men of whatever party, and however much some of them differed from him in opinion or political principle, there was not one of them all but felt pleasure if he spoke, and respected his uncommon ability and probity, and his fair and upright demeanor in his place and station. He took at once his appropriate position. Of his associates and admirers in the other house, there are some eminent persons now living

who were occasional listeners to his speeches, and much struck with his ability; together with Pickering, Benson, Pitkin, Stockton, Lowndes, Gaston, and Hopkinson, now all deceased, who used to flock to hear him, and always derived deep gratification and instruction from his talents, character, and power.

He resigned in 1817. His published speeches are not numerous. The reports of that day were far less complete than now, and comparatively few debates were preserved and revised. It was a remarkable truth, that he always thought far too lightly of himself and all his productions. I know that he was with difficulty persuaded to prepare his speeches in Congress for publication; and, in this memorial of himself which I have before me, he says, with every appearance and feeling of sincerity, that he "has never acted any important part in life, but has felt a deep interest in the conduct of others."

His two main speeches were, first, one of great vigor, in the Senate, in February, 1814, on the Embargo, just before that policy was abandoned. The other was later, in December, 1815, shortly before the peace, on Mr. Giles's Conscription Bill, in which he discussed the subject of the enlistment of minors; and the clause authorizing such enlistment was struck out upon his motion.

He was afterwards for several years a member of

the New Hampshire Legislature, and assisted in revising the code of that State. He paid much attention to the subject of the judicature, and performed his services fully to the satisfaction of the State; and the result of his labors was warmly commended. In 1824 he was again a candidate for the Senate of the United States. The election was to be made by the concurrent vote of the two branches of the Legislature. In the popular branch he was chosen by a strong vote. The Senate, however, non-concurred; by which means the election was lost — a loss to the country, not to him — by force of circumstances and agencies, not now or ever fit to be recalled or remembered.

He continued to reside for many years in Portsmouth. His residence in that ancient town was a happy one. He was happy in his family and in the society of the town, surrounded by agreeable neighbors, respected by the Bar and the Court, and standing at the head of his profession. He had a great love of conversation. He took pleasure in hearing others talk, and gave an additional charm by the freshness, agreeableness, and originality of his own observations. His warm hospitality left him never alone, and his usefulness was felt as much within the walls of the homes, as of the tribunals, of Portsmouth. There are yet many in that town who love him and his; many who remember, as children, the enthusiasm with which

he was greeted by their fathers and mothers; and all in New Hampshire, old enough to remember him, will feel what we feel here, on this occasion.

Led at last partly by the desire of exerting his abilities in a larger sphere of usefulness, and partly by the fact of the residence here of beloved domestic connections, he came to this city, and entered upon the performance of his professional duties in 1832. Of the manner in which he discharged those duties, this Court is the most competent judge. You, Mr. Chief Justice, and the venerable associate who usually occupies a place at your right, have been witnesses of the whole. You know the fidelity with which he observed his duty to the Court, as well as his duty to his clients. In learning, assiduity, respect for the Bench, uprightness and integrity, he stood as an example to the Bar. You know the general probity and talent with which he performed, for so many years, the duty of a Counsellor of this Court.

I should hardly trust myself to make any analysis of Mr. Mason's mind. I may be a partial judge. But I may speak of what I myself admire and venerate. The characteristics of Mr. Mason's mind, as I think, were *real greatness, strength and sagacity*. He was great through strong sense and sound judgment, great by comprehensive views of things, great by high and elevated purposes. Perhaps sometimes he was too

cautious and refined, and his distinctions became too minute; but his discrimination arose from a force of intellect, and quick-seeing, far-reaching sagacity, everywhere discerning his object, and pursuing it steadily. Whether it was popular or professional, he grasped a point, and held it with a strong hand. He was sarcastic sometimes, but not frequently; not frothy or petulant, but cool and vitriolic. Unfortunate for him on whom his sarcasm fell!

His conversation was as remarkable as his efforts at the Bar. It was original, fresh, and suggestive; never dull or indifferent. He never talked when he had nothing to say. He was particularly agreeable, edifying, and instructive to all about him; and this was the charm of the social intercourse in which he was connected.

As a professional man, Mr. Mason's great ability lay in the department of the Common Law. In this part of jurisprudence, he was profoundly learned. He had drunk copiously from its deepest springs; and he had studied, with diligence and success, the departures from the English Common Law, which had taken place in this country, either necessarily, from difference of condition, or positively, by force of our own Statutes. In his addresses, both to courts and juries, he affected to despise all eloquence, and certainly disdained all ornament; but his efforts, whe-

ther addressed to one tribunal or the other, were marked by a degree of clearness, directness, and force, not easy to be equalled. There were no Courts of Equity, as a separate and distinct jurisdiction, in the State of New Hampshire, during his residence in that State. Yet the Equity Treatises and Equity Reports were all in his library, not "wisely ranged for show," but for constant and daily consultation; because he saw that the Common Law itself was growing every day more and more liberal; that Equity principles were constantly forcing themselves into its administration, and within its rules; that the subjects of litigation in the Courts were constantly becoming, more and more, such as escaped from the technicalities and the trammels of the Common Law, and offered themselves for discussion and decision on the broader principles of general jurisprudence. Mr. Mason, like other accomplished lawyers, and more than most, admired the searching scrutiny and the high morality of a Court of Equity; and felt the instruction and edification resulting from the perusal of the judgments of Lord Hardwicke, Lord Eldon, and Sir William Grant, as well as of those of great names in our own country, not now among the living.

Among his early associates in New Hampshire, there were many distinguished men. Of those now dead were Mr. West, Mr. Gordon, Edward St. Loe

Livermore, Peleg Sprague, William K. Atkinson, George Sullivan, Thomas W. Thompson, and Amos Kent; the last of these having been always a particular personal friend. All of these gentlemen in their day held high and respectable stations, and were eminent as lawyers of probity and character.

Another cotemporary and friend of Mr. Mason was Mr. Timothy Bigelow, a lawyer of reputation, a man of probity and honor, attractive by his conversation, and highly agreeable in his social intercourse. Mr. Bigelow, we all know, was of this State, in which he filled high offices with great credit; but, as a Counsellor and Advocate, he was constant in his attendance on the New Hampshire Courts. Having known Mr. Bigelow from my early youth, I have pleasure in recalling the mutual regard and friendship which I know to have subsisted between him and the subject of these remarks. I ought not to omit Mr. Wilson and Mr. Betton, in mentioning Mr. Mason's cotemporaries at the Bar. They were near his own age, and both well known as lawyers and public men.

Mr. Mason, while yet in New Hampshire, found himself engaged in causes, in which that illustrious man, Samuel Dexter, also appeared. The late Mr. Justice Story was still more frequently at the Bar of that State; and, at a period somewhat earlier, your great and distinguished predecessor, Chief Justice

Parsons, occasionally presented himself before the Courts at Portsmouth or Exeter, and he is known to have entertained a very high regard, personal and professional, as well for Mr. Mason, as for the late Chief Justice Smith.

Among those still living, with whom Mr. Mason was on terms of intimacy, and with whom he associated at the Bar, were Messrs. Plumer, Arthur Livermore, Samuel Bell, and Charles H. Atherton. If these respected men could be here to-day, every one of them would unite with us in any tribute of love and veneration to his memory.

But, sir, political eminence and professional fame fade away, and die with all things earthly. Nothing of character is really permanent but virtue and personal worth. These remain. Whatever of excellence is wrought into the soul itself belongs to both worlds. Real goodness does not attach itself merely to this life: it points to another world. Political or professional reputation cannot last for ever; but a conscience void of offence before God and man is an inheritance for eternity. *Religion*, therefore, is a necessary and indispensable element in any great human character. There is no living without it. Religion is the tie that connects man with his Creator, and holds him to his throne. If that tie be all sundered, all broken, he floats away, a worthless atom in the universe; its

proper attractions all gone, its destiny thwarted, and its whole future nothing but darkness, desolation, and death. A man with no sense of religious duty, is he whom the Scriptures describe — in such terse but terrific manner — as “living without God in the world.” Such a man is out of his proper being, out of the circle of all his duties, out of the circle of all his happiness, and away, far, far away, from the purposes of his creation.

A mind like Mr. Mason’s — active, thoughtful, penetrating, sedate — could not but meditate deeply on the condition of man below, and feel its responsibilities. He could not look on this wondrous frame,

“This universal frame, thus wondrous fair,”

without feeling that it was created and upheld by an Intelligence, to which all other intelligences must be responsible. I am bound to say, that in the course of my life I never met with an individual, in any profession or condition of life, who always spoke, and always thought, with such awful reverence of the power and presence of God. No irreverence, no lightness, even no too familiar allusion to God and his attributes, ever escaped his lips. The very notion of a Supreme Being was, with him, made up of awe and solemnity. It filled the whole of his great mind with the strongest emotions. A man like him, with all his proper senti-

ments and sensibilities alive in him, must, in this state of existence, have something to believe and something to hope for ; or else, as life is advancing to its close and parting, all is heart-sinking and oppression. Depend upon it, whatever may be the mind of an old man, old age is only really happy, when, on feeling the enjoyments of this world pass away, it begins to lay a stronger hold on those of another.

Mr. Mason's religious sentiments and feelings were the crowning glories of his character. One, with the strongest motives to love and venerate him, and the best means of knowledge, says : —

“ So far as my memory extends, he always showed a deep conviction of the divine authority of the Holy Scriptures, of the institutions of Christianity, and of the importance of personal religion. Soon after his residence in Boston, he entered the Communion of the Church, and has continued since regularly to receive the Lord's Supper. From that time, he also habitually maintained domestic worship, morning and evening. The death of two of his sons produced a deep impression upon his mind, and directed it in an increased degree to religious subjects.

“ Though he was always reserved in the expression of religious feeling, still it has been very apparent for several years, that his thoughts dwelt much upon his practical religious duties, and especially upon pre-

paration for another world. Within three or four years, he frequently led the conversation to such subjects; and, during the year past, immediate preparation for his departure has been obviously the constant subject of his attention. His expressions in regard to it were deeply humble; and, indeed, the very humble manner in which he always spoke of himself was most marked.

“I have observed, of late years, an increasing tenderness in his feelings and manner, and a desire to impress his family with the conviction that he would not remain long with them. His allusions of this kind have been repeated, even when apparently in his usual health; and they indicated the current of his thoughts.

“He retained his consciousness till within a few hours of his death, and made distinct replies to every question put to him. He was fully aware that his end was near; and in answer to the question, ‘Can you now rest with firm faith upon the merits of your divine Redeemer?’ he said, ‘I trust I do: upon what else can I rest?’

“At another time, in reply to a similar question, he said, ‘*Of course*, I have no other ground of hope.’ We did not often speak to him during those last three days, but had no doubt that he was entirely conscious of his state, knew that his family were all near, and

that his mind was free from anxiety. He could not speak with ease, and we were unwilling to cause him the pain of exertion. His whole life, marked by uniform greatness, wisdom, and integrity; his deep humility, his profound reverence for the Divine Majesty, his habitual preparation for death, his humble trust in his Saviour, left nothing to be desired for the consolation of his family under this great loss. He was gradually prepared for his departure. His last years were passed in calm retirement; and he died as he wished to die,—with his faculties unimpaired, without great pain, his family around his bed, the precious promises of the gospel before his mind, without lingering disease, and yet not suddenly called away.”

Such, Mr. Chief Justice, was the life, and such the death, of JEREMIAH MASON. For one I could pour out my heart like water, at the recollection of his virtues and his friendship, and in the feeling of his loss. I would embalm his memory in my best affections. His personal regard, so long continued to me, I esteem one of the greatest blessings of my life; and I hope that it may be known hereafter, that, without intermission or coolness through many years, and until he descended to his grave, Mr. Mason and myself were friends.

Mr. Mason died in old age; not by a violent stroke from the hand of death, not by a sudden rupture of the

ties of nature, but by a gradual wearing out of his constitution. He enjoyed through life, indeed, remarkable health. He took competent exercise, loved the open air, and avoiding all extreme theories or practice controlled his conduct and habits of life by the rules of prudence and moderation. His death was therefore not unlike that described by the Angel, admonishing Adam: —

“I yield it just, said Adam, and submit.

But is there yet no other way, besides
These painful passages, how we may come
To death, and mix with our connatural dust?

There is, said Michael, if thou well observe
The rule of ‘Not too much,’ by temperance taught,
In what thou eat’st and drink’st; seeking from thence
Due nourishment, not gluttonous delight;
Till many years over thy head return,
So may’st thou live; till, like ripe fruit, thou drop
Into thy mother’s lap; or be with ease
Gather’d, not harshly pluck’d; for death mature.
This is old age.”

After Mr. Webster had taken his seat, his Honor, CHIEF JUSTICE SHAW, replied as follows: —

Gentlemen of the Bar, — A few weeks have elapsed since our hearts were first saddened by the announcement of the lamented event to which the resolutions now offered refer. But such were the character, the life, and services of Mr. Mason; so large was the space

filled by him in the estimation of the public ; so strong was his hold upon the veneration, respect, and affection of all those who had known him, and been associated with him in public, professional, and social life, that his decease was not an event to awaken merely strong temporary feeling of grief and sadness, and then pass away and be forgotten. It is an event fitted to produce a deep and abiding impression upon the memory of the community which he has long and effectually served, the chosen profession which he has honored and adorned, and upon the minds and hearts of the associates and friends whom he has instructed by his wisdom, and endeared to him by his kindness.

It is therefore with the highest satisfaction, and with feelings of respect and affection entirely in accordance with those of the Bar, in which I am confident that my associates, the other members of this Court, will cordially participate, that I receive these resolutions ; and I shall cheerfully comply with the wish of the Bar, by ordering them to be enrolled with the recorded proceedings of this Court, in order that they may stand as a permanent memorial to future times, of the high sense entertained, as well by this Court as by the Bar, of the public character and services of Mr. Mason.

His eminent and marked professional character

entitle him to a high rank in the estimation of those who are conversant with the administration of justice, and who duly appreciate the value and importance of enlightened jurisprudence, to the safety and peace of a free people. The prominent characteristics of his mind were strength, energy, and a far-reaching sagacity. To extraordinary powers of mind, and a keen natural sagacity, and power of discrimination, he brought the aid of copious learning, the fruits of patient and well-directed study. But with such eminent natural and acquired powers, Mr. Mason was not in the habit of giving hasty opinions, or of coming unprepared to the discussion of important questions. When cases of controverted rights were presented to him, he was accustomed to examine them with the most patient and persevering investigation, and subject them to a rigid analysis, by which he was enabled to follow the intricacies of the most complicated cases, and to present their true bearings and merits to a court or jury with admirable clearness and perspicuity. Mr. Mason seemed to regard the contested rights of his employers, drawn into litigation, as a sacred trust committed to his charge, which he was conscientiously bound to protect by all lawful and honorable means; and he regarded nothing done, by way of preparation, so long as any thing remained undone which patient research could accomplish.

In this respect, the character of Mr. Mason may be recommended as an example to all those young men who take upon themselves the responsibilities, and aspire to the honors, of the legal profession.

It is true that every one cannot feel assured of the eminent natural gifts which characterized Mr. Mason's mind; but all can imitate the patient study, the industrious investigation, the unshaken integrity, and conscientious fidelity which prominently marked the career of this eminent Jurist.

The death of such a man, though at an advanced age, and though a bereavement, in the order of a wise, kind Providence, to which we would submissively bow, is an event not to be chronicled and soon forgotten. His example and character remain: let us all look to it as an incentive to a more faithful performance of duty, to industry, to perseverance, and to all honorable effort. He has passed from our sight; but his public life and character belong to his age and to posterity. It is therefore the part of wisdom, as well as a most grateful duty, to cherish his memory, to dwell on the excellences of his character, and to deepen and perpetuate the influence of an eminent lawyer, and of a great and good man.

IN the Circuit Court of the United States, on Tuesday, Oct. 17, ROBERT RANTOUL, jun. Esq. the United States Attorney for the Massachusetts District, presented the resolutions adopted by the Bar practising in that Court, and introduced them by the following remarks: —

May it please your Honors, — The duty devolves upon me of announcing to this Court the decease of one of its oldest and ablest counsellors. The Hon. Jeremiah Mason, whose death occurred on Saturday last, has gone down to the grave, full of honors, and after a long life of arduous professional duty. That a man who has filled so large a space in the estimation of his fellow-citizens should receive from his associates in our profession the due meed of respect, I have been requested by the members of the Bar of the Court for the first Circuit to submit the resolutions which I hold in my hand, which, with the leave of the Court, I will read, and move that they be entered on the records; after which I shall move that this Court do adjourn.

Judge WOODBURY responded to Mr. Rantoul's address as follows: —

Gentlemen of the Bar, — This Court has received your resolutions on the lamented death of Mr. Mason with the sensibility due to his great worth. His stand-

ing as a lawyer so very high, and his powers as an advocate so remarkable, were known widely; but none could fully appreciate the extent of his reading, his accuracy in details, the acuteness as well as vigor of his intellect, and his unsparing logic, without something of that long intimacy with him in the practice of his profession which I formerly had the happiness to enjoy.

Well may the members of that profession respect his memory, when it is but a just tribute to his rare talents to say that, in my opinion, in a profound knowledge of several branches of jurisprudence, and in some of the most choice qualities of a forensic speaker, he had in his palmy days, not merely in this State or New England, but in this whole country, few equals, and probably no superior.

Your resolutions, gentlemen, shall be recorded; and this Court, out of regard to the distinguished merit of Mr. Mason and his long practice before it in this Circuit, will now adjourn.

NEW HAMPSHIRE.

AT a meeting of the Rockingham Bar, holden in the Court House at Portsmouth, October 19, JOHN PORTER, Esq. the President, having taken the Chair, the members present were addressed by CHARLES W. CUTTER, Esq. who, in a few brief and interesting remarks, alluded to the great number of eminent lawyers that had in times past made the Rockingham Bar distinguished throughout the country, and referred to the recent decease in Boston of the Hon. JEREMIAH MASON, so long the most eminent practitioner at this Bar, and probably at the time of his decease the greatest master of the Common Law on this continent.

Mr. Cutter concluded by offering the following resolutions, which, on motion of J. W. EMERY, Esq. seconded by D. M. CHRISTIE, Esq. were unanimously adopted:—

Resolved, That the recent sudden decease of the Hon. Jeremiah Mason, formerly and for nearly forty years a member of this Bar, of which he was its distinguished leader, pride, and ornament, demands some appropriate notice.

Resolved, That the high respect and admiration universally entertained for Mr. Mason by his professional brethren, arose not only from his great intellectual superiority, his profound knowledge of the principles of the Common Law, and his unrivalled skill and sagacity as an advocate and jurist, but also from the most implicit and unhesitating reliance upon his high principles, his sense of honor, and his elevated standard of personal and professional obligations.

Resolved, That we deeply sympathize with the members of Mr. Mason's family in the sudden and irreparable loss which they have sustained.

Resolved, That the Hon. John Porter be requested to present these resolutions to the Hon. Court now in session; that Hon. Ichabod Bartlett be requested to present the same to the Superior Court at its next session in this judicial district, and also to communicate the same to Mrs. Mason, with an expression of the most respectful and affectionate sympathy of the members of this body.

At the opening of the Court of Common Pleas in Portsmouth, on the 21st of October, the Hon. JOHN PORTER rose, and addressed the Court as follows: —

May it please your Honors, — The Bar of this county, having received tidings of the recent death of the Hon. Jeremiah Mason at Boston, have made it my duty to announce that melancholy event to the Court.

The demise of such a man as Mr. Mason cannot fail to excite the deepest feelings of mournful regret in the minds of those so long and so agreeably associated with him in professional life, as this Bar has heretofore been.

It is true, that Mr. Mason, for a number of years prior to his decease, resided in a neighboring State, and had discontinued the practice of his profession among us; but the largest and best portion of his valuable life was spent in this State and here in this immediate neighborhood, where this Court is now in session. It was here, at this Bar, that his young mind gave promise of that commanding eminence of character, to which he afterwards attained; and it was here that he exhibited the full measure of his intellectual powers and endowments in meridian life. It was here that he built up for himself a reputation for learning, for integrity, and for consummate skill and address in the management of causes, that few, very few, if any, may hope to excel. Under such circumstances, the members of this Bar cannot but sensibly feel his loss, and desire to offer some tribute of respect to his memory.

Mr. Mason was not only great in his profession, but he had much and varied learning of a more general and diffusive character. The circle of his reading was extensive, and his memory was capacious and retentive. Hence he became possessed of an ample store

of general information, entitling him to a high rank as a sound and thorough scholar.

At times he held important official stations, both in the State and general government, the duties of which he discharged with singular fidelity and ability. And when in private life, such was the general confidence in the extent and accuracy of his information, and the soundness of his judgments, relative to passing events, that his advice and opinions exerted a decided influence, in guiding and controlling the opinions and conduct of others.

He was a very instructive and entertaining companion. He knew how to be amusing and playful, as well as serious and grave. His conversation was full of anecdote and remark, drawn from his extensive observation and reading, both in regard to men and affairs.

He had a fast hold upon the confidence of the people immediately surrounding him, as neighbors and acquaintance; and he was, especially, strong and secure in the affections and esteem of those who enjoyed his more intimate friendship; and his memory, by all such, will be ever cherished and respected.

Sundry resolutions have been adopted, at a meeting of this Bar, in reference to the death of Mr. Mason, expressive of their high estimation of his character,

and their deep feelings of sorrow for his loss. These resolutions, it now only remains for me, in behalf of the Bar, to present to the Court.

The resolutions were then read.

The Hon. SAMUEL D. BELL, the presiding Justice, said: —

The Court sensibly feel the great loss sustained by the profession and the community, by the death of the Hon. Mr. Mason.

They entirely concur in the sentiments expressed in the resolutions of the gentlemen of the Bar of this county, now communicated to them.

They unite in the wish to place upon the records of the Court some proper testimonial of the high esteem and respect entertained by them, in common with the whole community, for the deceased, as a man and a scholar, as a distinguished legislator, and as a lawyer whose eminent learning and almost unrivalled ability have conferred distinction upon the Bar of the State.

It is therefore ordered, that the resolutions of the Bar be entered upon the records of the Court.

At a meeting of the members of the Merrimack County Bar, held at the Court Room in Concord, New Hampshire, the 21st day of October, — on motion of IRA PERLEY, Esq. Gen. FRANKLIN PIERCE was chosen Chairman, and JOHN H. GEORGE Secretary.

Mr. PERLEY announced the recent death of the Hon. JEREMIAH MASON, of Boston, and stated the object of the meeting to be an expression of its appreciation of the distinguished character of the deceased, of his eminent abilities and vast acquirements, and of the great and salutary influence he exerted during the long period of his practice in this State.

Voted, That Hon. Moses Norris, Ira Perley, Esq. and Gen. Charles H. Peaslee be a Committee to draft and report resolutions expressive of the sense of the Bar upon this occasion.

Mr. NORRIS, from the above Committee, reported the following resolutions: —

Resolved, That the long connection of the Hon. Jeremiah Mason with the Bar of this State, his salutary and controlling influence as its most distinguished member, his vast learning and pre-eminent abilities, forbid that we should allow the occasion of our present session to pass without some tribute to his memory.

Resolved, That the announcement of his death has been received by this Bar with profound sensibility; and that the

profession in the State in which he passed the dawn and meridian of his professional life, will, in their convictions of the great loss which New England has sustained, respond fully to the sentiments and opinions of their brethren in that State where his sun went down.

Voted, That these resolutions be adopted; and that the Chairman present the same to the Court, with the request that they be entered upon the records.

The Chairman presented the resolutions to the Court, with appropriate remarks upon the striking characteristics of Mr. Mason, which, in his opinion, rendered him perhaps the most remarkable man and the most learned jurist the country has ever produced.

The Court, having appropriately responded to the feelings and sentiments expressed by the Bar, ordered the resolutions to be entered upon the records.

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